1982 S.C. Op. Atty. Gen. No. 82-38 (S.C.A.G.), 1982 WL 181758

Office of the Attorney General

State of South Carolina
Opinion No. 82-38
June 7, 1982

***1** Honorable Irene K. Rudnick
House of Representatives
310–D Blatt Building
Columbia, South Carolina 29211

Dear Representative Rudnick:
You have inquired whether or not a proviso added by the Senate to Section 122 (Department of Highways and Public Transportation) of the 1982–83 Appropriations Bill may be included in that Bill in light of Article III, Section 17, of the South Carolina Constitution. The proviso reads:
PROVIDED, FURTHER, That the Commissioner for each judicial circuit shall serve at the pleasure of the delegation for that judicial circuit.

Article III, Section 17, of the Constitution provides:
Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

The purpose of this Constitutional provision is to prevent insertion in an act of matters not germane to the general subject of the act. As stated by our Supreme Court in Hercules, Inc. v. South Carolina Tax Commission, 274 S.C. 137, 262 S.E.2d 45 (1980), provisions included in the General Appropriations Act must be "reasonably and inherently related to the collection [and expenditure] of tax revenues".

In my opinion the proviso in question which concerns the terms of office of highway commissioners is not a subject which can be reasonably construed as kindred in nature or legitimately and naturally associated with the subject of the Appropriations Bill which is "to make appropriations to meet the ordinary expenses of the State government *** and to further provide for the operation of the State government during the fiscal year". Accordingly, my conclusion is that the proviso is not germane to the subject of the Appropriations Bill. For your information I attach a copy of my opinion of April 17, 1980, addressed to the Speaker of the House, which discusses this question in more complete detail.
Cordially,

Daniel R. McLeod
Attorney General

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